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17 Attorneys for Specially-Appearing Defendants
Byrider Franchising, Inc., Grace Auto, Inc. dba J.D.
18 Byrider, and Grace Finance, Inc. dba CNAC

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 JESSICA HARTUNG, an individual,
23 Plaintiff,

24 v.

25 J.D. BYRIDER, INC.; JD BYRIDER OF
CHANDLER; CARNOW ACCEPTANCE
26 COMPANY; JOHN ANDERSON; and T-
MOBILE USA, INC. and DOES 1 through 10
27 inclusive, Defendants

Case No. C 08-01380 SC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

1 WHEREAS, the Court has set an Initial Case Management Conference for July 11, 2008,
2 WHEREAS, specially appearing defendants Byrider Franchising, Inc. (erroneously sued
3 and served as J.D. Byrider, Inc.), Grace Auto, Inc. dba J.D. Byrider (erroneously sued as JD
4 Byrider of Chandler), and Grace Finance, Inc. dba CNAC (erroneously sued as CarNow
5 Acceptance Company) (collectively "Specially Appearing Defendants") have filed a Motion to
6 Dismiss for Lack of Personal Jurisdiction Pursuant to F.R.C.P. Rule 12(b)(2), or in the
7 Alternative, Transfer Venue, or Compel Arbitration and Stay Proceedings, set to be heard on July
8 25, 2008,

9 WHEREAS, plaintiff Jessica Hartung ("Plaintiff") and defendant T-Mobile USA, Inc.
10 ("Defendant T-Mobile") have stipulated to extend the time to respond to Plaintiff's Complaint to
11 August 1, 2008, in light of ongoing, good faith settlement discussions that continue between these
12 parties to date, and the time that Defendant T-Mobile will require to prepare its own Motion to
13 Compel Arbitration and Stay Proceedings in the event Plaintiff and Defendant T-Mobile do not
14 reach settlement,

15 WHEREAS, given the pendency of Specially Appearing Defendants' Motion to Dismiss
16 or Compel Arbitration and Stay Proceedings, and the extension of Defendant T-Mobile's time to
17 respond to Plaintiff's Complaint to continue settlement discussions (which could result in
18 Defendant T-Mobile filing its own Motion to Compel Arbitration and Stay Proceedings), the
19 parties agree that judicial economy would best be served by continuing the July 11, 2008 Initial
20 Case Management Conference,

21 WHEREAS, the parties agree that execution of this stipulation shall not constitute in any
22 way a waiver of the party's right to raise jurisdictional issues or bring a motion to compel
23 arbitration,

24 THE PARTIES THEREFORE STIPULATE and respectfully request that the Court
25 continue the presently set July 11, 2008 Initial Case Management Conference to September 19,
26 2008, at 10:00 a.m., continue the deadline to prepare a Case Management Statement to September
27 12, 2008, continue the deadline to submit a joint discovery plan to September 12, 2008, and
28

1 continue the deadline for the parties to meet and confer to August 29, 2008, or as soon thereafter
2 as the Court's schedule will allow.

3
4 DATED: June 25, 2008

LAW OFFICES OF ERIC F. FAGAN

5 By /s/ Jeremy S. Golden
6 Jeremy S. Golden
7 Attorneys for Plaintiff
8 Jessica Hartung

9 DATED: June 25, 2008

PERKINS COIE LLP

10 By /s/ Jason A. Yurasek
11 Jason A. Yurasek
12 Attorneys for Defendant
13 T-Mobile USA, Inc.

14 DATED: June 25, 2008

MURCHISON & CUMMING, LLP

15 By /s/ Kasey C. Townsend
16 Kasey C. Townsend
17 Attorneys for Specially-Appearing Defendants
18 Byrider Franchising, Inc. (erroneously sued and
19 served as J.D. Byrider, Inc.), Grace Auto, Inc.
20 dba JD Byrider (erroneously sued as JD Byrider
21 of Chandler), and Grace Finance, Inc. dba
22 CNAC (erroneously sued as CarNow Acceptance
23 Company)

24 **ORDER**

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: _____, 2008

27 _____
28 Honorable Samuel Conti
United States District Judge

ATTESTATION CLAUSE

I, Jason A. Yurasek, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Jeremy S. Golden and Kasey C. Townsend have concurred in this filing.

DATED: June 25, 2008

PERKINS COIE LLP

By /s/ Jason A. Yurasek
Jason A. Yurasek
Attorneys for Defendant
T-Mobile USA, Inc.